

Senate Enrolled Act 292

Preemption of Local Regulation of Firearms

Synopsis of new law as it affects libraries

- Libraries are prohibited from creating and/or enforcing rules or policies that prohibit legal U.S. residents who legally possess a firearm from carrying, transporting, or storing those firearms and any accessories, including ammunition, on library property.
- The bill makes void any existing library policies or regulations prohibiting or regulating the possession, carrying, transporting, or storing of those firearms and any accessories, including ammunition, on library property.
- Exception: The library can create and enforce a policy that prohibits or restricts the intentional display of a firearm at the library's public meetings.
- Exception: Libraries can create a policy that prohibits employees from bringing a firearm inside the library or having it in plain sight anywhere on library property while the employee is on duty. However, the employee cannot be prohibited from having a firearm or ammunition in their locked vehicle, even while on duty, so long as the weapon is in the trunk or glove compartment or otherwise out of plain view.
 - Also per SB411, libraries cannot ask about firearm ownership on employment applications or make ownership or non ownership a condition of employment

Sample optional policy language that can be incorporated into the library's policies

Patron Conduct Policy *(The library can include some or all of the below language in its patron conduct policy in place of language prohibiting firearms.)*

The library is committed to maintaining a safe and healthy environment conducive to the use and enjoyment of the library by its patrons and in furtherance of library's purpose... *(state the library's purpose)*.

Patrons shall be engaged in activities associated with the use of a public library while in the building. Patrons not engaged in reading, studying, attending library programs, or using library materials or library resources will be asked to leave the building.

The following rules apply within the library or anywhere on library property:

- Patrons shall not interfere with the use of the library by other patrons, or interfere with library employees' performance of their duties.
- Patrons shall respect the rights of other patrons and shall not harass, annoy, or intimidate others through noisy, boisterous, or threatening activities; by unnecessary staring at another person; by following another person about the inside or outside of the

building; by playing audio equipment so that others can hear it; by singing or talking loudly to others or in monologues; or by behaving in any other manner which reasonably can be expected to disturb other persons.

- Patrons shall not utilize library property or other property that has been brought into the library by the patron or another individual in a manner that creates a safety hazard for library patrons.
- *(Add any other desired prohibitions)*

“The _____ Public Library prohibits the intentional display of firearms during public meetings.” *(This language can also be included on the bottom of the library’s meeting notices as a reminder to meeting attendees.)*

Violators will receive a warning and an opportunity to cease a behavior that violates this policy. Continued or repeat violations may result in suspension of library privileges for a duration commensurate with the severity of the offense, the patron’s history of policy violations, and any other relevant factors. Patrons engaged in behaviors that pose a serious imminent risk to health or safety may be immediately expelled from the library without prior warning and with or without the assistance of library security or local law enforcement.

When possible, patrons who have their library privileges suspended will be provided with written notification stating the specific library policy violated and specifying the length of the suspension. Appeal requests may be made in writing to the library director. Further appeals may be made in writing to the library board.

(Additional details can be provided about the appeal process. Behavior policies should be posted and/or provided in a manner that library patrons can reasonably be expected to be aware of the contents therein.)

* * *

Employee/Personnel manual *(If the library wishes to regulate employees carrying firearms on their person during work hours, the following language may be added to the library’s personnel language)*

“Library employees are prohibited from carrying firearms on their person while the employee is on duty. Employees who are legally permitted to possess firearms may store such firearms out of sight (in glove box, trunk, etc.) in their locked automobile while the employee is on duty. “